

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

CARL HUTTO,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	CIVIL ACTION NO.2:06-CV-75-WHA
	)	
TERRANCE ROSE, ET AT.,	)	
	)	
Defendants.	)	

AFFIDAVIT

Before me, the undersigned authority, on this day personally appeared Carl Hutto, who being by me first duly sworn, deposed and stated upon his oath the following:

My name is Carl Hutto, and I am over the age of 19 years. I have personal knowledge of the information contained in this Affidavit.

On April 9 2004 Defendant Terrance Rose was assigned to the security post of the Cubicle. At approximately 8:54 P.M. Defendant Rose ordered plaintiff to come into the cubicle and face the wall, while turning toward the wall defendant Rose hit Plaintiff in the back of the head and than started hitting the Plaintiff in the left side of his body.

Inside of the Cubicle there were four other Officers, Derrick Rudolph; SUGGS; GRIGGS, and MCWHORTHER on the other side, who attacked and started assaulting Plaintiff, with any provocation on Plaintiff's part.

Several witnesses will testify that defendant Rudolph was in the Cubicle and assaulted the Plaintiff. The Plaintiff was denied the right to have witnesses called at his Disciplinary Hearing, as can be seen in paragraph 16 of the Disciplinary Report, attached to defendant's Exhibit C.

As a result the Plaintiff suffered injuries to his face, head, shoulder, and legs. How severe the injuries are is unknown to the Plaintiff. Plaintiff was only allowed to see a male nurse. Plaintiff continues to have headaches, leg and back pains from the assault in violation of his federally protected rights.

STATE OF ALABAMA )  
ELMORE COUNTY )

Carl Hutto  
CARL HUTTO

SWORN TO AND SUBSCRIBED before me this 11 day of July, 2006.

Donna M Rose  
NOTARY PUBLIC

MY COMMISSION EXPIRES: MY COMMISSION EXPIRES JAN. 8, 2008